864

NOTIFICATION.

Order No. P. 264—Legis. 62-31-4, Bangalore, the 14th July 1933.

Ordered that the accompanying Minor Municipalities Regulation which received the assent of His Highness the Maharaja, on the 28th day of June 1933, be published as Regulation No. IX of 1933, in the *Mysore Gazette* for general information.

S. N. APPANNA IYENGAR,
Secretary to Government,
General Department.

REGULATION IX OF 1933.

(RECEIVED THE ASSENT OF HIS HIGHNESS ON THE 28TH DAY OF JUNE 1933).

THE

MYSORE MINOR MUNICIPALITIES REGULATION.

A REGULATION TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF SMALL MUNICIPALITIES IN MYSORE.

Whereas it is expedient to make better provision for the administration of small municipalities in Mysore : It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Minor Municipalities Regulation, 1933 Short title.

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of August 1933.

2. On this Regulation coming into force, the enactments mentioned in schedule A shall be repealed in so far as they relate to minor municipalities. Repeal.

Provided that—

(*a*) the said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments ; Saving clause.

(*b*) all minor municipalities constituted, municipal councillors appointed or elected, committees established, limits defined, appointments, rules and orders made,

notifications and notices issued, taxes and rates imposed, contracts entered into and suits and other proceedings instituted, under the said enactments or under any enactments thereby repealed shall, so far as may be and so far as they relate to minor municipalities, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Regulation; and

(c) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Interpretation section.

3. In this Regulation, unless there be something repugnant in the subject or context—

(1) "Amildar" includes a Deputy Amildar;

(2) "building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose, and shall also include walls, verandahs, fixed platforms, plinths, doorsteps, and the like;

(3) "councillor" shall mean any person legally a member of a municipal council;

(4) "dangerous disease" shall mean cholera, plague, small-pox, and any endemic, or infectious disease by which the life of man is endangered;

(5) "land" shall include land which is built upon or covered with water;

(6) "municipal council" shall mean the council of a minor municipality;

(7) "municipality" shall mean any local area which is at present a minor municipality and any local area which may hereafter be constituted or declared as a minor municipality under sections 4 and 5, if such municipality has not ceased to be a minor municipality;

(8) "nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

(9) "official year" shall mean the year commencing on the first day of July;

(10) "owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive

the rent if such land or building were let to a tenant: Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Regulation required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required;

(11) "prescribed" means prescribed by any rule made by the Government under this Regulation;

(12) "public securities" shall mean—

(*a*) securities of the Government of India,

(*b*) securities of the Government of Mysore,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or

(*d*) a security expressly authorised by any order which the Government makes in this behalf.

(13) "public street" shall mean any street—

(*a*) over which the public have a right of way; or

(*b*) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds.

(14) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of salary from the Government who is not a full-time servant of the Government;

(15) "street" shall mean any road, footway, square, court, alley, passage or vacant space, accessible whether permanently or temporarily to the public, whether a thoroughfare or not;

(16) "taluk" includes a sub-taluk;

(17) "tax" shall include any toll, rate, cess, fee or other impost leviable under this Regulation;

(18) "vehicle" shall include bicycles, tricycles, automotor cars and every wheeled conveyance which is used or capable of being used on a public street;

(19) "whole number" shall mean when used with reference to the councillors of a municipal council, the total number of councillors holding office at the time.

CHAPTER II.

THE MUNICIPAL CONSTITUTION AND GOVERNMENT.

Procedure for constituting a minor municipality

4. (1) The Government may by notification in the Official Gazette and by proclamation in the area concerned propose with effect from a date specified therein to declare any local area with a population of not less than three thousand according to the latest census to be a minor municipality, or from time to time, to extend, contract or otherwise alter the limits of any such municipality or to declare that any local area shall cease to be a municipality.

(2) Any inhabitant desirous of preferring any objection to a notification issued under sub-section (1) may, within three months from the date of its publication in the Official Gazette, submit his objection in writing, through the Deputy Commissioner to the Government.

(3) After the expiry of three months from the date of the publication of the notification in the Official Gazette and consideration of such objections as may have been submitted to it, the Government may, by notification, declare the local area to be or to cease to be a municipality or to be excluded from or included in a municipality for the purpose of this Regulation.

Naming of municipalities comprising two or more places.

(4) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

Conversion of town municipalities into minor municipalities.

5. (1) The Government may, at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the Official Gazette that any town municipality constituted under the Mysore Town Municipalities Regulation, 1933, which contains a population of not less than three thousand inhabitants be deemed to be a minor municipality constituted under this Regulation and may at any time cancel such declaration.

(2) The provisions of the Mysore Town Municipalities Regulation, 1933, shall not apply to any municipality declared as a minor municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made, issued or imposed under the Mysore Town Municipalities Regulation,

1933, in respect of a municipality declared as a minor municipality, so far as is not inconsistent with the provisions of this Regulation, and any appointment, notification, order, scheme, rule, or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Regulation or of such other law in respect of the minor municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made or issued under this Regulation or such other law.

(4) Before any town municipality is constituted into a minor municipality, the procedure prescribed in section 4 shall, as far as may be, be followed.

(5) The property, rights and liabilities of a municipality declared as a minor municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

Municipal government to vest in municipal council.

6. (1) Except as in this Regulation otherwise expressly provided, there shall be a municipal council for every municipality, and the municipal government of every municipality shall vest in the municipal council.

Incorporation of municipal councils.

(2) The municipal council shall, by the name of the municipality, be a body corporate and have perpetual succession and a common seal, and may sue and be sued in its corporate name.

Constitution of municipal councils.

(3) (*a*) The municipal council shall consist of councillors elected in accordance with the rules prescribed and of councillors, if any, appointed by the Government by name or by office.

(*b*) The number of each class of councillors on each council shall be fixed from time to time by the Government and the number of elected councillors on any municipal council shall not be less than two-thirds of the number of councillors fixed and of the number of appointed councillors, the salaried servants of the Government, if any, shall not exceed one-half.

(*c*) If a councillor is appointed by office, the person for the time being holding the office shall be a councillor.

(*d*) Any vacancy among councillors due either to want of candidates or to failure to elect the required number of councillors which under this section or section 15 or 16 may be elected, may, notwithstanding anything contained in this Regulation, be filled up by the Government appointing a person qualified to be elected and any

person so appointed shall be deemed to be a councillor as if he had been duly elected.

(*e*) When a president appointed or elected under section 10 is not already a councillor, he shall be an additional councillor and the "two-thirds of the number" mentioned in clause (*b*) shall be exclusive of such president.

Publication of names of councillors presidents and vice-presidents in the Official Gazette.

(4) The names of all councillors, presidents and vice-presidents finally elected or appointed to any municipal council shall be published, as soon as conveniently may be, in the Official Gazette.

Qualification of voters.

7. Every person who has completed twenty-one years of age and has been residing in the municipality for a period of not less than six months prior to the date of the election shall be entitled to vote at an election of members of the municipal council.

Qualification of candidates

8. Every person who is entitled to vote at a municipal election and who is not disqualified to be a councillor shall be qualified to be elected as a councillor.

9. (1) (A) No person may be a councillor—

General disqualifications for becoming a councillor.

(*a*) (i) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

(ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(iii) who has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 1933, or under section 14 of the Mysore City Municipalities Regulation, 1933, or

(*b*) who is an undischarged insolvent, and

(B) no person—

(*a*) who is a subordinate officer or servant of a municipal council, or

(*b*) who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council,

may be a member of such municipal council.

Provided that—

(*a*) the disqualification in sub-clause (ii) of clause (*a*) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(*b*) the disqualification in sub-clauses, (i) and (iii) of clause (A) (*a*) will cease to operate after the expiry of three years from the date of such sentence or removal, or earlier by an order of the Government ;

(*c*) the disqualification under clause (B) (*b*) shall not be deemed to have been incurred if a person has been nominated by the Government as councillor or if he has stood for election with the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated.

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

Disabilities from continuing a councillor.

(2) If any councillor during the term for which he has been elected or appointed—

(*a*) becomes subject to any disqualification specified in clauses (*a*), (*b*) and (B) (*a*) of sub-section (1), or

(*b*) acquires any such share or interest as is specified in clause (B) (*b*) of sub-section (1) without the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated ,or -

(*c*) not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(*d*) fails to pay any arrears of any kind due by him to the municipal council within three months, after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor and his office shall become vacant.

(3) A councillor whose office has become vacant under sub-section (2) shall, if his disability has ceased, be eligible for re-election or re-appointment.

(4.) If any question, dispute, or doubt arises whether any vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question, dispute, or doubt.

Every municipal council to have a president and if the municipal council so desires, a vice-president.

10. (1) For every municipal council there shall be a president, and if and whenever the municipal council so desires, a vice-president.

President to be appointed or elected.

(2) The president may be—

(*a*) appointed by the Government by name, or

(*b*) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government from time to time notifies in this behalf, or

(*c*) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(*d*) if the Government so directs, elected by the general body of voters subject to the rules prescribed in this behalf.

Effect of notification of *ex-officio* president.

(3) When an office has been notified under clause (*b*) of sub-section (2), the person from time to time executing the functions of that office shall continue to be president, unless and until such notification is altered or rescinded by the Government.

Vice-President to be elected.

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

Power of Government to appoint the president or vice-president.

(5) The Government, may, for default of election, appoint the president or vice-president.

Amildar to perform the duties of the president when there is no president and vice-president.

(6) During a vacancy in the office of the president and when there is no vice-president to take his place, the Amildar of the Taluk or the person performing the duties of the Amildar for the time being, shall exercise all the powers and perform all the duties of the president and he shall, during such period, be deemed to be a councillor if he is not already a councillor.

Vacation of office by president and vice-president for want of confidence.

(7) Every president other than a salaried servant of the Government appointed ex-officio or by name as president and every vice-president of a municipal council shall forthwith be deemed to have vacated his office—

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than two months and not more than four months from each other.

Removal of presidents and vice-presidents.

(8) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Explanation.—A person may be presumed to be unable to pay his debts, if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

Vacation of office by vice-president on becoming president.

(9) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.

Term of office of president and vice-president.

(10) The term of office of every president and of every vice-president shall, save as otherwise provided in this Regulation, cease on the expiry of his term of office as councillor. Provided that in the case of elected presidents the Government may in special cases, with the consent of the Municipal Council concerned, direct that their term be limited to one year and that elections be held therefor every year.

Consequences of absence of president or vice-president without leave and limit of leave.

(11) Except in the case of a salaried servant of the Government who is either an appointed or *ex-officio* president, every president and vice-president who, for a period exceeding fifteen days shall absent himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted by the Deputy Commissioner, and no leave shall be granted under this sub-section for a period exceeding three months at one time.

Determination of validity of elections.

11. (1) At any time within ten days after the date of the declaration of the result of an election of a councillor or of a president under clause (*d*) of sub-section (2) of section 10, any candidate who stood for election or any ten persons qualified to vote at that election may apply together with a deposit of fifty rupees as security for costs to the Munsiff within the local limits of whose jurisdiction

the election has been or should have been held, for the determination of the validity of the election.

Powers of Munsiff holding enquiry.

(2) The Munsiff may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the Munsiff may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible be followed in such enquiries. An appeal shall lie to the High Court from the order of the Munsiff, provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order. If the Munsiff sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

Declaration in case of corrupt practice by a candidate.

(3) (*a*) The Munsiff, if satisfied that a candidate has within the meaning of sub-section (4) committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Scrutiny of votes and declaration in other cases.

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Munsiff shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected.

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Munsiff finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

What is a corrupt practice.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,—

(i) who with a view to inducing any voter to give

or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or,

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Candidate when deemed to have committed corrupt practice.

Explanation.—"A promise of individual profit" includes a promise for the benefit of the person himself or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Promise of individual profit.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (*b*) of sub-section (2) of section 106 or of an irregularity or informality not corruptly caused, the Munsiff shall not set aside the election.

Mere irregularities and informalities not to invalidate election.

Explanation.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or rules made thereunder whereby the result of the election has been materially affected.

(6) If the Munsiff sets aside an election under clause (*a*) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate in that municipality or any other municipality constituted under this Regulation or the Mysore Town Municipalities Regulation, 1933, or under the Mysore City Municipalities Regulation, 1933, for a term of years not exceeding seven, and the Munsiff's decision shall be conclusive :

Disqualification of candidate for corrupt practice.

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made.

Provided further that such person may, by an order which the Government is hereby empowered to make, if

it shall think fit, in that behalf, be at any time relieved from such disqualification.

Term of office of councillors.

12. Except as is otherwise provided in this Regulation, councillors appointed or elected at a general election shall hold office from a date to be mentioned in the notification published under sub-section (4) of section 6 for a term of three years extensible by order of the Government to a term not exceeding in the aggregate four years, if on any occasion the Government shall think fit so to extend the same.

Resignation of councillors, vice-presidents and president.

13. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president, and such resignation shall take effect from the date of the notice.

The president may resign his membership or his office as president by giving notice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice.

Liability of councillors for removal from office.

14. The Government may, if it thinks fit, on the recommendation of the municipal council supported by at least two-thirds of the whole number of councillors remove any councillor, elected or appointed under this Regulation, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor. Provided that no resolution recommending the removal of any councillor shall be passed by the municipal council unless the councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

Casual vacancies among councillors, president or vice-president how to be filled up.

15. If any casual vacancy occurs in the office of a councillor, president or vice-president, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor, president or vice-president in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies by increasing the number of councillors.

16. In the event of a vacancy occurring by increasing the number of councillors in any municipal council, such vacancy shall be filled up, as soon as conveniently may be by the election or appointment, as the case may be, of a person thereto who shall hold office till the next general election or for such period as the Government may in this behalf notify in the Official Gazette.

17. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.

Bar of suits relating to elections, etc.

18. (1) Every municipal council shall hold an ordinary general meeting in each month for the disposal of general business and the president shall fix the dates for all ordinary general meetings. The president may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call for such meeting for a day not more than thirty days after the presentation of such request.

Meetings.

(2) No business shall be transacted at any meeting of a municipal council unless one-third of the whole number of councillors be present. If there is no quorum, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and the business which would have been brought before the original meeting had there been a quorum thereat shall be brought before the adjourned meeting and may be disposed of at such meeting. Provided that the president may in respect of urgent items of business included in the agenda and not considered for want of a quorum at the adjourned meeting, assume and exercise the powers of the municipal council and submit a report of action taken immediately to the Deputy Commissioner.

(3) Every meeting of the municipal council shall be presided over by the president, if he is present or if the president is absent, by the vice-president. In the absence of both the president and the vice-president, such one of the councillors present as may be chosen by the meeting to be chairman for the occasion shall preside over the meeting.

(4) All questions before a municipal council shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes.

(5) No councillor shall vote on, or take part in the discussion of any matter before any meeting of the municipal council, if the question is one in which apart from its general

application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

(6) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

(7) The presiding authority shall preserve order and shall decide all points of order and procedure arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the presiding authority thereon shall be final.

(8) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the municipal council at every meeting shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting and a copy thereof shall be submitted to the Deputy Commissioner within five days from the date of the meeting.

Committees.

19. Subject to such rules as any be prescribed in this behalf, the municipal council may constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advise on any matters which it may refer to them.

Rights and privileges of municipal councillors.

20. (1) A councillor may call the attention of the president to any neglect in the execution of the municipal work, to any waste of municipal property, or to the wants of any locality and may suggest any improvements which he considers desirable and may bring up any motion.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such rules as may be prescribed by the Government.

(3) Every councillor shall have access during office hours to the records of the municipal council after giving due notice to the president, provided that the president may for reasons given in writing forbid such access.

Certain officers entitled to attend and speak at meetings of municipal council.

21. Any officer of the Government authorised by the Government or by the Deputy Commissioner in this behalf shall be entitled to attend any meeting of the municipal council and to address the municipal council on any matter under discussion affecting his department.

22. (1) During any vacancy in a municipal council the continuing councillors may act as if no vacancy had occurred. **Vacancy not to affect proceedings.**

(2) No act or proceeding of a municipal council, councillor or president shall be deemed to be invalid by reason only of some defect in the constitution of such municipal council or the election or appointment of such councillor or president, or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold a meeting of the council was not duly given or by reason of such act or proceeding having been done during the period of any vacancy in the office of the president or councillor or for any other such informality. **Act of municipal councils etc., not to be invalidated.**

CHAPTER III.

Functions and Liabilities.

23. (1) It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely :— **Obligatory duties.**

(*a*) lighting public streets, places and buildings ;

(*b*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not ; removing noxious vegetation ; and abating all public nuisances ;

(*c*) disposing of night-soil and rubbish ;

(*d*) extinguishing fires, and protecting life and property when fires occur ;

(*e*) regulating or abating offensive or dangerous trades or practices ;

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government ;

(*g*) securing or removing dangerous buildings or places ;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead ;

(*i*) constructing, altering, maintaining and improving public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, and providing public facilities for drinking water ;

(*j*) providing a supply of water, proper and sufficient to prevent danger to the health of the inhabitants and their domestic cattle;

(*k*) naming streets and numbering houses;

(*l*) registering births and deaths;

(*m*) public vaccination;

(*n*) establishing and maintaining dispensaries, and providing public medical relief;

(*o*) taking such measures as may be required to prevent the outbreak, spread or recurrence of dangerous diseases;

(*p*) any measure likely to promote the health, safety, comfort, convenience, interest or welfare of the public not specified above when directed by the Government.

Discretionary duties.

(2) It shall be within the discretion of any municipal council to undertake and make provision for the following matters within the limits of the municipality, namely:—

(*a*) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality,

(*b*) granting loans to servants employed by the municipal council for construction of houses, subject to the rules prescribed in this behalf,

(*c*) subject to the exceptions and conditions that may from time to time be imposed by the Government, any measure not specified in this sub-section or sub-section (1) likely to promote education or the health, safety, comfort, convenience, interest or welfare of the public.

(3) Notwithstanding anything contained in sub-section (1), the Government may exempt any municipal council from any of the provisions of that sub-section or may declare that in regard to any municipal council any of the duties specified in that sub-section shall be deemed to be discretionary duties within the meaning of sub-section (2).

Power of municipal council to acquire and hold property and to contract.

24. Subject to the rules prescribed, every municipal council shall have power to acquire and hold property, both movable and immovable, whether within or without the limits of the municipality, and to enter into contracts for all or any of the purposes of this Regulation.

Provided that nothing in this section shall empower any municipal council to raise loans except as provided for in section 51

25. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

Contracts by officers appointed by Government to execute municipal works and payment for such works

26. When any land, whether within or without the limits of the municipality, is required for the purposes of this Regulation, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, and on payment by the municipal council of the compensation awarded under that Regulation and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the municipal council.

Acquisition of land.

27. The president of the municipal council shall—

Functions of the president.

(*a*) convene the meetings of the municipal council,

(*b*) carry into effect the resolutions of the municipal council,

(*c*) furnish to the municipal council such periodical reports regarding the progress made in carrying out its resolutions and in the collection of taxes as it may direct,

(*d*) perform all the duties and exercise all the powers specifically imposed or conferred on the president by this Regulation or the rules thereunder and subject, whenever it is expressly so provided, to the sanction of the municipal council, and subject to all other restrictions, limitations and conditions hereinafter imposed, exercise the executive power for the purpose of carrying out the provisions of this Regulation, and be directly responsible for the due fulfilment of the purposes of this Regulation.

28. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president deputes to him in accordance with general or special rules or orders of the Government issued in this behalf.

Functions of the vice-president.

(2) The vice-president shall exercise the powers and perform the duties of the president, pending the succession, appointment or election of a president, or during the absence of a president on leave. When the Amildar has been

appointed as *ex officio* president of a municipal council, notwithstanding anything contained in section 13 of the Mysore Land Revenue Code, the vice-president shall exercise the powers and perform the duties of the president during any period when the office of the Amildar is vacant.

Municipal establishment.

29. (1) Every municipal council shall employ such officers and servants as are necessary for the efficient carrying out of the purposes of this Regulation.

(2) The recruitment, pay, leave, punishment, transfer, pensions, gratuities, leave, absentee and travelling allowances, and all other matters relating to the officers and servants of municipal councils shall be regulated by the rules prescribed or the special or general orders of the Government in this behalf.

Municipal councillors, etc., to be public servants.

30. (1) Every municipal councillor, officer or servant, every auditor appointed under section 55, and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

31. (1) Except as herein other wise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of the municipal council, the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and councillors for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

372

32. (1) No suit shall be instituted against any municipal council, or any president, councillor, officer, or servant thereof or any person acting under the direction of any such municipal council, councillor, officer or servant for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims has been, in the case of a municipal council, delivered or left at its office, and in the case of any such president, councillor, officer, or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

Institution of legal proceedings against municipal council, president, councillor, officer, servant or agent and bar of certain suits.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

33. (1) The municipal council or the president with the general or special sanction of the municipal council, may compound or compromise in respect of any suit instituted by or against it or in respect of any claim or demand arising out of any contract entered into under this Regulation, for such sum of money or other compensation as shall be deemed sufficient;

Powers to compromise suits and claims.

Provided that if any sanction in the making of any contract is required by or under this Regulation or the rules thereunder, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council or the president with the approval of the municipal council, may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the municipal council, the president and the officers and servants of the municipal council under this Regulation or the rules thereunder.

CHAPTER IV.

CONTROL.

34. (1) The Government shall be the chief controlling authority in respect of all matters relating to the administration of minor municipalities.

Chief controlling authority.

(2) Subject to the control of the Government and of the Deputy Commissioner of the District, the Assistant Commissioner in charge of the Taluk in which the municipality is situated, and in the absence of such an officer, the Deputy Commissioner of the District subject to the control of the Government, shall exercise general powers of inspection, supervision and control over the municipal councils within his jurisdiction and may—

(*a*) call for any record, correspondence, plan, or other document in the possession or under the control of any municipal council;

(*b*) require any municipal council to furnish any return, plan, estimate, statement, account or statistics;

(*c*) require any municipal council to furnish any information or report on any municipal matter;

(*d*) record in writing, for the consideration of the municipal council, any observations which he may think proper in regard to the proceedings or duties of the president or the municipal council.

(3) All or any of the powers given to the Assistant Commissioner and the Deputy Commissioner under sub-section (2) may be conferred by the Government on any officer subordinate to it.

Power of Government and Deputy Commissioner to annul or amend proceedings of municipal council.

35. The Government or the Deputy Commissioner may, by order in writing, annul or amend any proceedings or resolution of a municipal council which it or he may consider to be not in conformity with the provisions of this Regulation or any other law or order in force, and may do all things necessary to secure such conformity.

Power to suspend action of the municipal council.

36. The Deputy Commissioner may, by order in writing, suspend the execution of any resolution or order of a municipal council if in his opinion such resolution or order is in excess of the powers conferred on the municipal council by law or if the execution of such resolution or order is likely to lead to a breach of the peace or to cause injury or annoyance to the public or any class or body of persons.

Power to provide for the performance of duties or works in case of default or in case of emergency.

37. (1) In cases of neglect or refusal on the part of the municipal council to perform any prescribed duty or in case of emergency, the Deputy Commissioner or the Assistant Commissioner may perform or cause to be performed such duty or any work which the municipal council is empowered to execute or perform as the case may be.

(2) The Deputy Commissioner or the Assistant Commissioner may direct that the expense of performing any duty or work under the powers vested in him under sub-section (1) with a reasonable remuneration to the person

appointed to perform the duty or work shall be forthwith paid by the municipal council.

(3) If the expense and remuneration are not so paid, the Deputy Commissioner or the Assistant Commissioner, as the case may be, may make an order directing any person, who, for the time being, has custody of any monies on behalf of the municipal council, to pay such expense and remuneration from such monies as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

Agency for execution of public works.

38. (1) Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Special provisions in regard to works executed by the Government.

39. (1) Notwithstanding anything contained in this Regulation, the Government may at any time after consulting the municipal council—

(*a*) construct any work of a permanent nature which, in the opinion of the Government, is necessary or desirable for the health or safety of the inhabitants of a municipality, whether it be within the municipality or without it wholly or in part ;

(*b*) retain the management and maintenance of any such work or entrust the same in whole or in part to the municipal council, or resume the same from the municipal council ;

(*c*) recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation.

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of any municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (c) of sub-section (1).

Government inquiry into municipal matters.

40. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any complaint against the administration by the municipal council or any matters with respect to which the sanction, approval or consent of the Government is required under this Regulation or the rules made thereunder.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters :—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournments,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination of witnesses ;

and may summon and examine *suo motu* any person whose evidence appears to him to be material ; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding six per-cent per annum ; and such costs and interest shall be leviable as an arrear of land revenue.

Power of Government to direct person in custody of municipal fund to pay Government dues.

41. If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

42. (1) If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the official gazette, declare the municipal council to be incompetent or in dafault, or to have exceeded, or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

(*a*) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such councillors ;

(*b*) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(*c*) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government ;

(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—

(*i*) in the case of dissolution on the date specified n the order, or

(*ii*) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be.

Power after enquiry to continue period of supersession.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

Appointment of inspectors.

43. (1) The Government may appoint such inspectors as may be required for the purpose of inspecting or superintending the operations of all or any of the municipal councils constituted under this Regulation.

(2) All institutions maintained in whole or in part by any municipal council and all registers, books, accounts and other documents relating thereto shall at all times be open to the inspection of the inspectors appointed under sub-section (1) and municipal authorities and municipal officers and servants shall afford to inspectors such access at all reasonable times to municipal property or premises and to all records, accounts and other documents which, subject to the rules prescribed, they may consider to be necessary to enable them to discharge their duty of inspection and superintendence.

Disputes.

44. (1) If any dispute for the decision of which this Regulation does not otherwise provide exists between a municipal council and one or more other local authorities in regard to any matters arising under the provisions of this Regulation or any other law and the dispute is not amicably settled;

(*a*) the Deputy Commissioner may take cognizance of the dispute and decide it himself, if the dispute is with another municipal council of a minor municipality or a village panchayet or a town municipal council as defined in the Mysore Town Municipalities Regulation, 1933, in the same district and his decision shall be final; and

(*b*) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and the decision of the Government shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

Appeals.

45. (1) Save as otherwise provided for in this Regulation or in the rules prescribed, an appeal shall lie from an order of the president or vice-president to the municipal council and shall be preferred within thirty days

of the date of publication or communication of the order appealed from.

(2) An appeal shall lie to the Government from an order of the Deputy Commissioner under sections 36 and 37 and shall be preferred within thirty days of the date of publication or communication of the order and the decision of the Government shall be final.

CHAPTER V.

PROPERTY AND FINANCE.

Property vested in the municipal council.

46. (1) All property of the nature specified in the clauses to this sub-section, not being specially reserved by the Government, shall be vested in and belong to the municipal council, and shall together with all other property of what nature or kind soever, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Regulation :—

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots,

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works, and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works, and also any adjacent land, not being private property, appertaining to any public tank or well,

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto; all dust, dirt, dung, ashes, refuse, animal matter, filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cesspools or elsewhere,

(*d*) all public lamps, lamp-posts, apparatus connected therewith, or appertaining thereto,

(*e*) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes,

(*f*) all public streets and the pavements, stones and other materials thereof and also all trees, erections, materials, and implements provided for such streets.

Power of Government to resume property.

(2) It shall be competent to the Government from time to time by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Management of public institutions maintained by municipal councils to vest in it.

47. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

Municipal fund, its custody and investment.

48. (1) There shall be in each municipality a fund which shall be called the municipal fund, and it shall be administered by the municipal council.

(2) It shall be lawful for a municipal council to deposit at interest with the Mysore Government savings bank or in any other bank approved by the Government any surplus funds in its hands which may not be required for current charges, and with the sanction of the Government, invest such funds in public securities and vary such investment or dispose of such securities with the like sanction.

(3) The municipal fund over and above what is invested as provided for in sub-section (2) shall be kept in the Government treasury of the taluk in which the municipality is situated or in any bank approved by the Government in this behalf.

Constitution of the municipal fund.

49. The following shall form part of or be paid into the municipal fund :—

(*a*) all taxes, fines, fees, penalties and costs paid to or levied by or on behalf of the municipal council under this Regulation and all fines imposed by a magistrate under this Regulation or the rules thereunder;

(*b*) all rents or income from lands or other properties of the municipal council;

(*c*) all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise;

(*d*) all proceeds of land and other property sold by the municipal council; and

(*e*) all sums received by or on behalf of the municipal council by virtue of this Regulation or any other law.

Application of municipal fund and property.

50. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in section 23 and for all other purposes for which by or under this Regulation or any other

law for the time being in force powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests.

Municipal council may raise loans and form a sinking fund.

51. It shall be lawful for a municipal council, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, to raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Regulation, and to form a sinking fund for the repayment of such loans.

Contribution to expenditure incurred by the Government and power to make grant-in-aid.

52. Subject to the rules prescribed, a municipal council may make grants-in-aid to any medical, veterinary, educational or charitable institution or any other institution or object of public utility within or without the area under its authority, whether it be under public or private management, and may vary or cancel such grant.

Maintenance of accounts and restrictions on expenditure,

53. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal funds hall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

Presentation of accounts,

54. Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and it shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of accounts.

55. The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed by the Government.

56. The Government auditor may—

Power of Government auditor.

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit ;

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him ; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document

or to answer any question or prepare and submit any statement.

Duties of government auditor.

57. (1) The Government auditor shall—

(a) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts;

(b) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts; and

(c) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste;

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Surcharge.

58. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of the illegal payment.

(2) The Deputy Commissioner may, on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been, but is not, brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal from order of surcharge.

59. Any person aggrieved by the order of the Deputy Commissioner under the last preceeding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such a case after taking such evidence as is necessary may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application the person so aggrieved may, within the like period,

382

appeal to the Government which shall pass such orders as it thinks fit.

60. Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recove rable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

Recovery of amount surcharged.

CHAPTER VI.

TAXATION AND RECOVERY OF DUES.

61. (1) The municipal council may, from time to time subject to the provisions of this chapter and the rules prescribed, impose in the whole or in any part of the municipality all or any of the following taxes for the purposes of this Regulation, namely:—

Taxes and fees which a municipal council may levy.

(*a*) an octroi on animals or goods or both brought within the limits of the municipality for consumption or use within those limits;

(*b*) a tax payable by the owners of buildings or lands or both situated within the limits of the municipality;

(*c*) a lighting tax payable by the owners of buildings or lands or both where the lighting of public streets, places and buildings is undertaken by the municipal council;

(*d*) a water-tax where water is supplied by the municipal council;

(*e*) a special sanitary cess upon private latrines, premises, or compounds cleansed by municipal agency;

(*f*) a tax on shops and other places where a business or profession is carried on, payable by the person or persons engaged in the business or profession;

(*g*) a tax payable by the owner on all or any vehicles used for riding, driving, draught or burden kept within the municipality for use;

(*h*) with the sanction of the Government, a toll on vehicles used as aforesaid entering the municipality but not liable to taxation under clause (*g*) of this sub-section;

(*i*) fees—

(i) for exposing goods for sale in any market or place belonging to or under the control of the municipal council or the Government;

(ii) for licenses and permissions issued under this Regulation; and

(iii) for the use of municipal slaughter-houses.

Power of municipal council to levy other taxes and fees.

62. In addition to or in lieu of any of the foregoing taxes, the municipal council may levy with the approval of the Government and subject to such rules as may be prescribed in this behalf, any other tax or fee which may be convenient and suitable to the inhabitants of the municipality.

Rates of taxes and fees.

63. The rates or amounts of taxes and fees shall not exceed the maxima that may be prescribed or those that the Government may in any special case by order direct:

Provided that—

(*a*) the rate of special sanitary cess shall be so fixed that the total proceeds from the cess shall not exceed the amount required for cleansing private latrines or compounds by manual labour or for conducting or receiving the sewage thereof into municipal sewers;

(*b*) the rate of the water tax shall be so regulated that the total proceeds of the tax with the estimated income from payments for water supplied from the works under special contracts, if any, shall not exceed the amount required for the annual maintenance of water supply works and for the repayment with interest of the capital outlay thereon in such number of years as the municipal council may fix with the approval of the Government.

Abolition and suspension of taxes and fees, or variation of rates.

64. The municipal council may, subject to the rules prescribed in this behalf and subject to the control of the Government and to the provisions of sections 71 and 72,

(*a*) abolish any tax or fee and within the limits imposed under section 63, vary the amount or rate of any such tax or fee, and

(*b*) suspend the operation of any tax or fee within any part of the municipality for any specified period.

Exemptions, remissions, and writes off.

65. Subject to the rules prescribed in this behalf, the municipal council may—

(*a*) exempt in whole or in part from the payment of any tax or fee any person or class of persons or any property or animal or description of property or animal;

(*b*) remit the amount of any tax, fee or other due or refund the same if it has been already collected, and

(*c*) write off any irrecoverable amount of tax, fee or other due.

Bar of other proceedings.

66. No objection shall be taken to any valuation, assessment or levy, nor shall the liability of any person to be assessed or taxed be questioned in any other manner or by any other authority than is provided in this Regulation or in the rules prescribed in this behalf.

Compounding for payment of tolls.

67. The president may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid in advance monthly or quarterly or half-yearly in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle into the limits of the municipality, provided that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

Farming of tolls and fees

68. The municipal council may lease the collection of tolls and fees imposed under clauses (h) and (i) of sub-section (1) of section 61 annually on such conditions as may be approved by the municipal council.

Liability of land, building, etc., for taxes.

69. (1) All sums due on account of taxes imposed in the form of a tax on buildings or lands, or on both shall, subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land in respect of which such tax is payable, and upon the movable property, if any, found within or upon such building or land and belonging to the person liable for such tax or taxes.

Right of occupier to recover from owner.

(2) Any tax or sum leviable under this Regulation from the owner may be recovered from the occupier, and in such case such occupier shall, in the absence of any contract to the contrary, be entitled to recover the same from the owner and may deduct the same from any rent then or thereafter due by him to the owner.

(3) No sum shall under sub-sections (1) and (2) be recoverable from any occupier who is not the owner if it has been due for more than one year or for a period during which such occupier was not in occupation.

Recovery of dues.

70. (1) The amount of taxes, fees, costs and other dues under this Regulation shall be paid in such manner as may be prescribed and in case of default of such

payment shall be recoverable by the distraint and sale of the movable property of the defaulter.

Distress lawful though defective in form.

(2) No distress levied by virtue of this Regulation shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Limitation of distraint.

(3) No distraint shall be made in respect of any sum due to the municipal council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made in respect of such sum.

Suits for dues not precluded.

(4) Nothing herein contained shall preclude the institution by a municipal council of a suit for any amount due under this Regulation.

Power of Government to suspend or prohibit levy of objectionable taxes.

71. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax leviable by a municipal council is unfair in its incidence, or that the levy thereof or of any part thereof is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if within the period so fixed such requirements shall not be carried into effect to the satisfaction of the Government, it may by notification in the Official Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may, at any time, by a like notification, rescind any such suspension.

Special powers of Government with regard to taxation.

72. Whenever it appears to the Government that the regular income of any municipal council falls below what is necessary for the proper discharge of its duties, or that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under sections 37 and 39, the Government may by notification require the municipal council to impose in the municipality any tax which may be imposed under section 61 and which is not at the time imposed in the said municipality or to enhance the rates of any of the existing taxes in such manner or to such extent as the Government considers fit; and the municipal council shall forthwith proceed to

impose the tax or enhance the rates of the taxes in accordance with the requisition.

Provided that—

(a) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may within thirty days of the notification make against the imposition of such tax or enhancement of the rates of taxes and the orders of the Government shall be final,

(b) it shall not be lawful for the municipal council to abolish the tax or to reduce the rates of taxes when imposed under this section, and

(c) the Government may at any time concel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

73. For all sums paid to a municipal council on account of any tax, fee or other due under this Regulation, a receipt stating the amount and the tax, fee or other due on account of which it has been paid, shall be tendered by the person receiving the same. Receipts to be given for all payments.

CHAPTER VII.

POWERS, OFFENCES AND PENALTIES.

74 It shall be lawful for the president or for any person authorised by the president or the municipal council for such purpose, to enter, for any purpose of this Regulation, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land: Powers of entry and inspection.

Provided that, except when otherwise provided in this Regulation or the rules thereunder, no building or land which may be occupied at the time shall be entered except with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier.

Provided also that in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupier.

75. The president may close temporarily any street or any part thereof for any public purpose. Power of president to temporarily close streets.

Power to attach brackets for lamps, name—plates of streets, etc.

76. (1) The president may cause to be attached to the outside of any building brackets for lamps or name plates of streets and may cause a number to be affixed to every house in the municipality for the purpose of identifying it.

(2) No person shall without the authority of the president, disturb, deface or destroy any bracket, name-plate or number attached or affixed under sub-section (1) or any direction—post or lamp-post or extinguish any light maintained by the municipal council in any street or public place.

Permission necessary for certain projections.

77. (1) The president may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop boards and the like may be allowed to project over such streets.

Removal of projections.

(2) The president may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

(*a*) overhangs or juts into, or in any way, projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

Provided always that the president shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the president, make reasonable compensation to every person who suffers damage by such removal or alteration.

Obstructions and encroachments upon public streets and open spaces.

78. (1) No person shall without the written permission of the president have built or set up or shall build or set up any wall or any fence, rail, post, stall, verandah, platform, plinth, or any projecting structure or thing, or

other encroachment or obstruction in any public street, except steps over drains or, shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street.

(2) The president shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in Government, the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment.

(3) Nothing contained in this section shall prevent the president from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than seven days, and in such manner as not to inconvenience the public or any individual.

(4) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 77 or in any case where permission has been given under sub-section (3) of this section.

Control of erection of buildings.

79. (1) Subject to the provisions of sub-section (3) of this section, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the president.

(2) Such permission shall not be refused except for the reason of the site being unsuited on sanitary grounds or for the reason that the building is unsuited for a factory if the building is intended for such use.

(3) Such permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of an application in that behalf in writing. Provided that nothing in this sub-section shall authorise any person to build in contravention of any other provisions of this Regulation or the rules thereunder.

(4) No building shall be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool or other suitable place which may be approved of by the president.

(5) The president in granting permission to build, may impose in writing such conditions as to level, drainage, sanitation or ventilation, or with reference to the location of the building in relation to any existing building or street, existing or projected, and may require in any locality approved by the Government in this behalf, that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and the municipal council may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

(6) Whenever a building is erected, altered, added to or re-constructed without the permission of the president or in any manner contrary to the conditions imposed by the permission or the provisions of this Regulation or the rules thereunder, the president without prejudice to the prosecution of the offender under section 93 may, by written notice—

(*a*) direct that the building, alteration or addition be stopped;

(*b*) require such building, alteration or addition to be altered or demolished as he may deem necessary; and

(*c*) withdraw the permission.

Power of Government to prohibit the erection of buildings in certain areas without permission.

80. (1) Notwithstanding anything contained in section 79, the Government may in the public interest and after consulting the municipal council, prohibit by notification published in the official gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

81. If it appears necessary to improve the sanitary condition of any area within its jurisdiction, the municipal council may by a written notice require within a reasonable period specified therein—

Power with regard to huts, privies, etc.

(i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part;

(ii) the owner or occupier of any building to provide any drain, privy or cesspool or any additional drains, privies or cesspools therefor or to repair, alter or put in good repair the drains, privies, or cesspools thereof.

Power as regards sanitation, drainage, etc.

82. (1) The president may by a written notice require within a reasonable time specified therein—

(*a*) the owner or occupier of any land or building which needs to be cleansed or which is kept in a filthy or unwholesome state to cleanse it or otherwise put it in a proper state;

(*b*) the owner or occupier of any land or building which contains a pool, ditch, tank, well, hole or any place containing or used for the collection of any drainage, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be cleansed, filled or deepened or cause the water to be removed or drained or to take such other action therewith as may be deemed necessary by the president;

(*c*) any person who, without the written permission of the municipal council, newly erects or rebuilds any building over any sewer, drain, culvert, watercourse, or water-pipe, vested in the municipal council, to pull down or otherwise deal with the building as the president thinks fit;

(*d*) the owner or occupier of any building or any well, tank, reservoir, pool, depression or excavation which is, for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working therein or in the neighbourhood, to repair, protect or enclose the same;

(*e*) the owner or occupier of any land overgrown with vegetation, undergrowth, prickly-pear or jungle which is in any manner injurious to health, or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, undergrowth, prickly-pear or jungle;

(*f*) the owner or occupier of any building, wall or structure or anything affixed thereto, or any bank or tree which is deemed by the president to be in a ruinous state or in any way dangerous, to remove the same or to cause such repairs to be made thereto as the president may deem necessary for the public safety;

(*g*) the owner or part-owner or any person claiming to be the owner or part-owner of any building or land which

by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same.

(2) If the owner or occupier of a building or land is not known, the municipal council may, in cases falling under clauses (*b*), (*d*), (*e*), (*f*) and (*g*), carry out the work and the cost of such work may be recovered from him within three years.

Depositing or throwing rubbish, etc., on roads or into drains and discharging sewage.

83. No person shall—

(*a*) without the written permission of the president or in disregard of the orders of the president or the municipal council, throw or deposit, or permit his servants, or members of his household under his control to throw or deposit earth or materials of any description, refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith;

(*b*) without the written permission of the president, cause or allow the water of any sink, sewer or cesspool or any other offensive matter, to flow, drain or be put upon any street or public place or into any sewer or drain not set apart for the purpose.

Power to lay or carry pipes, drains or sewers through private property.

84. (1) The municipal council may, for the purpose of carrying out, establishing or maintaining any system of drainage, sewerage or water-supply, carry any pipe, drain, sewer or channel of any kind into, through, across, under, over or up the side of any land or building whatever situated within the limits of the municipality, and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such pipe, drain, sewer or channel:

Provided that—

(*a*) reasonable notice shall be given to the owner or occupier of any such land or building; and

(*b*) reasonable compensation shall be paid to the owner or occupier for any damage sustained by him and directly occasioned by the carrying out of any such operations or for any substantial interference with the rights of such owner or occupier to the due enjoyment of such land or building.

(2) No person shall, without the written permission of the president at any time make, or cause to be made, any connection or communication with any pipe, drain,

sewer or channel constructed or maintained by or vested in the municipal council for any purpose whatsoever.

(3) The municipal council may without prejudice to the prosecution of the offender under section 93, close, demolish, alter or remake any connection or communication made in contravention of the provisions of sub-section (2) and the expenses thereby incurred shall be paid by the person making such connection or communication.

(4) When any such work as is referred to in sub-section (1) is constructed or maintained by the Government under the powers vested in it by section 39, the powers of the municipal council under sub-sections (1), (2) and (3) shall be exercised by such officer as the Government may direct.

Power of municipal council to provide for proper water supply.

85. (1) For providing the area under its control or any part thereof with a supply of water, proper and sufficient, for public and private purposes, the municipal council may—

(*a*) construct, repair and maintain tanks or wells and clear out streams or water-courses;

(*b*) purchase or acquire by lease or gift any tank, well, stream or water-course, or any right to take or convey water within or without the area under its control;

(*c*) with the consent of the owner thereof, utilise, cleanse or repair any tank, well, stream or water-course or provide facilities for obtaining water therefrom;

(*d*) contract with any person for a supply of water; or

(*e*) do any other acts necessary for carrying out the purposes of this section.

(2) The municipal council may, by order published at such places as it may think fit, set apart for the supply to the public of water for drinking or culinary purposes, any tank, well, stream, or water-course in respect of which action has been taken under clause (*a*) or (*b*) or (*c*) of sub-section (1), subject to any rights which the owner referred to in clause (*c*) of that sub-section may retain with the consent of the municipal council.

(3) The municipal council may, by order published at such places as it may think fit, prohibit—

(*a*) all bathing, washing of clothes, vessels and animals or other acts calculated to pollute the water of any tank, well, stream or water-course set apart for drinking or culinary purposes under sub-section (2); and

(*b*) during epidemics, the use of any source of water-supply for drinking or culinary purposes or for the washing of clothes.

Provided that the president may, in cases of emergency, exercise the powers of the municipal council under clause (*b*) and report the action taken for the orders of the municipal council.

Unwholesome articles of food and drink.

86. (1) The president, or any person authorised by him in this behalf, may at any reasonable time enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or of drugs, or used for the slaughter of animals, and examine any article of food or drink or any drug or animal which may be therein, and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same.

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, the president, or the authorised person may destroy it, or dispose of it so as to prevent its being exposed for sale or use for human consumption.

(3) If such article, or drug is of a perishable nature, it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession.

(4) In cases not falling under sub-sections (2) and (3), the article, drug or animal seized as aforesaid shall be removed forthwith and placed before a magistrate for orders under section 95.

Feed animals on deleterious substance.

87. No person shall feed, or allow to be fed, on any deleterious substance, filth or refuse of any kind, any animal which is kept for supplying milk or milk products or is intended for human consumption.

Acts done by persons suffering from certain diseases.

88. No person suffering from a loathsome, infectious or contagious disease shall—

(*a*) make or offer for sale any article of food or drink for human consumption or any medicine or drug, or

(*b*) wilfully touch any such article, medicine or drug, when exposed for sale by others, or

(*c*) take any part in the business of washing or carrying clothes.

Places for slaughter of animals for sale.

89. (1) The municipal council may fix premises for the slaughter of animals or animals of any specified description, for sale, either within the municipality, or with the approval of the Deputy Commissioner beyond the limits of the municipality.

(2) No person shall, without the license of the president, use any such premises, for slaughter of animals for sale.

(3) The president may grant, suspend, withhold or withdraw licenses for the use of such premises, or if they belong to the municipal council, charge rents or fees for the use of the same.

(4) When any such premises have been fixed under sub-section (1), no person shall slaughter any such animal for sale at any other place within the municipality.

Premises not to be used for certain purposes without a license.

90. (1) The municipal council may notify that no place within the area under its authority shall after sixty days from the date of such notification be used without a license from the president and except in accordance with the conditions specified therein for any of the purposes specified in Schedule B.

(2) Whenever it is shown to the satisfaction of the municipal council that any place licensed under sub-section (1) is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the municipal council may by notice require the occupier of the place to discontinue the use thereof, or to use the place in such manner as will, in the opinion of the municipal council, render it no longer a nuisance or dangerous.

(3) No person shall use any premises without a license or in contravention of the conditions specified therein for any purpose for which a license is required under sub-section (1), or, after notice has been given under sub-section (2), use such place or permit it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous.

President, etc., to have power of entry for inspection into buildings etc., where infectious disease exists.

91. (1) The president or any person authorised by the president or the municipal council in this behalf, may enter at any time, after reasonable notice, into any building or premises in which any dangerous disease is reputed or suspected to exist, for the purpose of inspecting such building or premises.

Inspection to be made between sunrise and sunset.

(2) No such inspection shall be made except between sunrise and sunset.

Disinfection of buildings, etc.

(3) If the president or such person is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice; provided that if the president

or such person considers that immediate action is necessary or that the owner or occupier, is by reason of poverty or otherwise, unable effectually to comply with his requisition, he may himself cause such building or premises or articles to be cleansed or disinfected, and for this purpose may cause such articles to be removed from such building or premises; and the expenses incurred by the president or such person under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with his requisition.

Burial and burning grounds.

92. (1) The municipal council may, with the previous approval of the Deputy Commissioner, provide suitable places for burial or burning either within or beyond the municipal limits.

(2) No place shall be made or formed as a burial or burning ground after the commencement of this Regulation, without the permission in writing of the municipal council.

(3) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Government through the Deputy Commissioner, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(4) A copy of the said notification both in English and Kannada shall be published in the official gazette, and shall be posted up at the municipal office and in one or more conspicuous parts on or near the place to which the same relates.

(5) No person shall bury, or burn, or cause or permit to be buried or burnt, any corpse in any burial or burning ground made or formed in contravention of sub-section (2) or after the date specified in the notification published under sub-section (4).

Certain offences punishable with fine.

93. Whoever contravenes the provisions of or fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of

(i) section 76, sub-section (2),
(ii) section 78, sub-section (1),
(iii) section 79, sub-sections (1) and (4),
(iv) section 83,

(v) section 84, sub-section (2);
(vi) section 85, sub-section (3);
(vii) section 87,
(viii) section 88,
(ix) section 89, sub-sections (2) and (4),
(x) section 90, sub-section (3),
(xi) section 92, sub-sections (2) and (5), and
(xii) section 103, sub-section (3)

shall, on conviction before a magistrate, be punished with fine which may extend to rupees fifty. He may also be punished with further fine which may extend to ten rupees for every day on which such offence is continued after the date of conviction or any subsequent date as may be fixed by the magistrate.

Penalty for building in contravention of section 80.

94. Whoever erects any building contrary to the provisions of sub-section (1) of section 80 or the conditions imposed under sub-section (2) of that section, shall on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.

Penalty for possession of articles or animal unfit for human consumption or adulterated drug.

95. If any animal, article or drug is brought before a magistrate under sub-section (4) of section 86, the magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees.

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under this section.

Penalty on president, councillor, officer or servant of municipal council being interested in contract made with the municipal council.

96. If any president, councillor, officer, or servant of a municipal council has, without the written permission of the Assistant Commissioner or the Deputy Commissioner, directly or indirectly, any share or interest in any work done by order of or on behalf of the municipal council or in any contract with or under the municipal council, he shall on conviction before a magistrate be punished with fine which may extend to two hundred rupees.

Punishment for disobedience to orders and notices not punishable under any other section.

97. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued under any power conferred by this chapter or fails to comply with the conditions subject to which any permission was given to him under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees. He may also be punished with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Regulation, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Regulation.

Municipal council or president may prosecute.

98. (1) The municipal council or the president, may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any person offending against the provisions of this Regulation or of any rule thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund.

Provided that no prosecution for an offence under this Regulation or the rules thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of magistrate.

(2) Any prosecution under this Regulation or under any rule thereunder may be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Regulation or any rule thereunder, and any compensation, expenses, charges or damages for the recovery of which no special provision is otherwise made in this Regulation, may be recovered on application to any magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Powers and duties of police officer.

99. (1) Any police officer may arrest any person committing in his view any offence against any of the provisions of this Regulation or of any rule thereunder, if the name and address of such person be unknown to him, and if such person declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address have been correctly ascertained.

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Regulation, or of any rule thereunder, and to assist the president, councillors, municipal officers and servants in the exercise of their lawful authority.

Powers to compromise and compound offence.

100. The president or any person authorised by the municipal council may, and when directed by the municipal council, shall—

(*a*) compromise with any person who in the opinion of such president, person or municipal council, as the case may be, has committed an offence punishable under this Regulation or any rule thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

(*b*) withdraw from prosecutions instituted under this Regulation or any rule thereunder;

(*c*) compound any offence against this Regulation or any rule thereunder which may by rules made by the Government be declared compoundable.

CHAPTER VIII.

MISCELLANEOUS.

Public and general notices how to be published.

101. (1) Every notice which this Regulation requires or empowers a municipal authority to give or to serve either as a public notice, or generally or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places or is published in such local paper or in such other manner as the municipal council in this behalf determines.

Service of notices, etc., addressed to individuals.

(2) When any notice or other document is required by this Regulation or by any rule or order made under it to be served on, or sent to, any person, the service or sending thereof may be effected—

(*a*) by giving or tendering the said document to such person; or

(*b*) if such person is not found, by leaving such document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family ; or

(*c*) if such person does not reside in the municipality and his address elsewhere is known to the president, by sending the same to him by post registered ; or

(*d*) if none of the means aforesaid be available, by fixing the same in some conspicuous part of his last place of residence or business.

Service of notices, etc., on owners and occupiers of buildings and lands.

(3) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers, it shall be sufficient to serve it on, or send it to, any one of such owners or occupiers.

Defective form not to invalidate notice or bill.

(4) No notice or bill shall be invalid for defect of form.

Execution of acts required to be done by any notice.

(5) When any notice under this Regulation requires any act to be done for which no time is fixed by this Regulation, the notice shall fix a reasonable time for doing the same.

Municipal council in default of owner or occupier may execute works and recover expenses.

102. (1) Where under the provisions of this Regulation any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed ; and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation be paid to the municipal council by the person by whom such work ought to have been executed, either in one sum or by instalments as the municipal council may decide.

Occupier in default of owner, may execute works and deduct expenses from his rent.

(2) Where default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such buildin or land may, with the approval of the president, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings in case of obstruction of owner by occupier.

103. (1) The owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of this Regulation or of any rule thereunder, or with any requisition made under any such provision in respect of such land or building, apply to any magistrate having local jurisdiction.

(2) The magistrate, on receipt of any such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or requisition and may also, if he thinks fit, direct that the costs of such application and order be paid by the occupier.

(3) After eight days from the date of any such order, the said occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be prescribed in the said order, and in the event of his continued refusal to do so, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

(4) In cases falling under sub-section (3), the occupier shall be liable to comply with the provisions of this Regulation in place of the owner.

Determination of compensation in certain cases.

104. (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Regulation directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by the Assistant Commissioner in charge of the Taluk in which the municipality is situated and in the absence of such an officer by the Deputy Commissioner.

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a civil court of competent jurisdiction.

(2) In any case where the compensation is claimed in respect of any land, the procedure prescribed by the Land Acquisition Regulation, 1894, for proceedings in matters referred for the determination of the court shall, as far as may be, be followed.

Damage to municipal property how made good.

105. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted; and on non-payment of such damage on demand the same shall be levied by distress and such magistrate shall issue his warrant accordingly.

Power of Government to make rules and orders.

106. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any

proceeding for which it considers that a form should be provided.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders.

(*a*) with reference to all matters expressly required or allow by this Regulation to be prescribed;

(*b*) for regulating the election of councillors, presidents and vice-presidents, or their appointment and other matters incidental or ancillary thereto or to the constitution of committees;

(*c*) for the conduct of business of municipal councils and the channel of communication between municipal councils and the Government or its officers;

(*d*) for prescribing the duties of municipal officers and servants and the conditions subject to which they may be employed;

(*e*) for submission of returns, statements and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure;

(*f*) as to the preparation of plans and estimates for works which are to be wholly or partly constructed at the expense of the municipal fund and as to the powers of the municipal council or the Government Officers to accord professional or administrative sanction to estimates;

(*g*) for the appointment of assessors for assessing the value of buildings and lands for the purpose of levying any taxes under this Regulation and for preventing evasion of assessment and payment of taxes;

(*h*) as to the inspection and proper management and maintenance of any work of a permanent nature constructed by the municipal council or by the Government for the use of the inhabitants of a municipality, whether it be within the municipality or beyond the limits thereof;

(*i*) for conserving and preventing injury to sources and means of water-supply (including private wells which are used by the public) and appliances for the distribution of water, whether within or without the limits of the municipality, and regulating all matters and things connected with the supply and use of water;

(*j*) for the regulation and inspection of municipal markets and slaughterhouses, whether within or without the limits of the municipality, and all places used by or for animals which are for sale or hire, or the produce of which is sold, and all places used for any purpose for which a license is required under this Regulation and regulating

the conditions subject to which licenses or permissions may be issued, suspended, cancelled or refused ;

(*k*) regulating the construction of buildings and huts and prescribing the conditions and terms that may be imposed in this behalf ;

(*l*) as to the restriction on, and the prohibition of the use of inflammable materials in buildings and for the prevention of out-break of fire ;

(*m*) for the registration of shops for the sale of drugs and the licensing of persons who act as compounders or dispensers therein ;

(*n*) as to the proper registration of births and deaths and taking of a census and enforcing the supply of such information as may be necessary to make such registration or census effective ;

(*o*) as to the disposal of carcasses of animals dying within the municipal limits and the disposal of corpses by burial or burning in burial and burning grounds, whether within or without the municipal limits ;

(*p*) as to enforcing the supply of information as to cases of dangerous diseases among human beings and infectious diseases among cattle and preventing, meeting, mitigating, or suppressing such diseases or the outbreak or introduction thereof ;

(*q*) as to the disposal of mad and stray dogs ;

(*r*) as to the regulation and improvement of conservancy and sanitation and prohibiting public nuisances ;

(*s*) for the regulation of all matters connected with the grant of permission under section 80 ;

(*t*) with reference to any other matter affecting the public health, comfort, safety or convenience for which the Government consider that rules may be framed ; and

(*v*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada and such rules shall have the force of law after one month from the date of such publication.

Power of Government to delegate its powers under the Regulation.

107. The Government may, subject to such conditions and restrictions as may be prescribed, delegate any of its powers under this Regulation to any officer subordinate to it.

Power of Government to confer on the holders of alienated villages or their agents powers of an Assistant Commissioner or a Deputy Commissioner.

108. The Government may, subject to such conditions and restrictions as may be prescribed, confer on the holder of any alienated village which is constituted as a municipality under this Regulation or on the agent of such holder, all or any of the powers of an Assistant Commissioner or a Deputy Commissioner under this Regulation.

SCHEDULE A.

ENACTMENTS REPEALED.

(*See Section* 2.)

Year	No.	Title or short title.
1906	VII.	The Mysore Municipal Regulation, 1906.
1911	IX.	A Regulation to amend the Mysore Municipal Regulation of 1906.
1914	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1915	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1916	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1918	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1921	I.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1922	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1923	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1926	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1927	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1928	XIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1929	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1930	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1931	VI.	A Regulation further to amend the Mysore Municipal Regulation of 1906.

SCHEDULE B.

Purposes for which premises may not be used without a license.
(*See Section 90*)

(*a*) As a shop for the sale of animals intended for human food or of meat or of fish,

(*b*) as a dairy, hotel, restaurant, eating house, coffee-house, sweet-meat shop or bakery or for manufacturing aerated waters,

(*c*) for any of the purposes mentioned hereunder:—

(1) for boiling or storing offal, blood, bones or rags,

(2) for salting, curing and storing fish,

(3) for storing hides, horns, skins or organic manure,

(*d*) any other purpose affecting public health, sanitation or safety that may be notified by the Government.

M. N. KRISHNA RAO,
Dewan.